

### **REMARKS**

Applicants respectfully request reconsideration. Claims 1-36 were previously pending in this application. By this amendment, Applicant is canceling claim 32 without prejudice or disclaimer. Claims 4-12 have been amended to add commas and change "the" to "in". New claims 37-48 have been added. Support for these claims can be found at least on pages 21-22, and Table 602, page 85. As a result, claims 1-31 and 37-48 are pending for examination with claims 1, 37 and 43 being independent claims. No new matter has been added.

### **RESTRICTION REQUIREMENT**

The Examiner has requested election of one of the following inventions under 35 U.S.C. § 121:

- I. Claims 1-32, drawn to as many as 60 disclosed species of variant Kunitz domain neutrophil elastase inhibitors, and to fusion polypeptides comprising same, classified in class 530, subclass 300.
- II. Claims 33 and 34, drawn to *in vitro* and *in vivo* methods for inhibiting human neutrophil elastase comprising contacting the elastase with a variant Kunitz domain elastase inhibitor, classified in class 435, subclass 23.
- III. Claims 35 and 36, drawn to methods of treating the disease emphysema and cystic fibrosis comprising administration of a variant Kunitz domain elastase inhibitor, classified in class 514, subclass 2.

Applicants hereby elect Group I. Applicants reserve the right to pursue these claims in one or more continuation and/or divisional applications.

The Examiner has further requested a species election, determining that claims 1-32 are generic to a plurality of disclosed patentably distinct species comprising at least the founding species of variant Kunitz domain inhibitor amino acid sequences set forth in each of SEQ ID NOs:7-15, 16-24, 26, 27, 29-35, 37-39, 41-43, 45-47, 49-55, 57-61, 63-65, 67-69 and 122-126.

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Applicants hereby elect species SEQ ID NO:27, corresponding to the core sequence EpiHNE4. Of the new claims, claims 43-45 and 48 read on this elected species.

**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,  
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By:



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